

## **REMARKS**

In response to the Office Action mailed June 4, 2010, Applicant has amended the application as above. No new matter is added by the amendments as discussed below. Applicant respectfully requests the entry of the amendments and reconsideration of the application in view of the amendments and the remarks set forth below.

### **Discussion of Claim Amendments**

Claim 17 has been amended. Upon the entry of the amendments, Claims 1-17 are pending in this application. The amendments to Claim 17 are supported, for example, by paragraphs [0066], [0069] and [0070] of the published application. As such, the claim amendments do not introduce any new matter. Entry of the amendments is respectfully requested.

### **Discussion of Allowable Subject Matter**

Claims 1-16 have been allowed. Applicant wishes to address the Examiner's statement of reasons for allowance in this Office Action mailed June 4, 2010. Applicant respectfully submits that the claims should be allowed based on the entire language rather than focusing on any specific portion thereof.

### **Discussion of Rejection of Claim under 35 U.S.C. § 112, ¶ 2**

The Examiner has rejected Claim 17 under 35 U.S.C. § 112, second paragraph as being indefinite. The Examiner stated that although the preamble of Claim 17 sets forth an apparatus, Claim 17 recites steps which would indicate a method claim. The Examiner concluded that it is not clear whether Claim 17 is a method or apparatus claim.

In order to expedite the prosecution of the application and without agreeing with the merits of the grounds of the rejection, Applicant has amended Claim 17 to resolve the issues addressed by the Examiner as reflected in the "AMENDMENTS TO THE CLAIMS" section.

Specifically, amended Claim 17 recites i) an acquiring unit *configured to acquire* measurement data of acceleration at a tread portion of the rotating tire for a duration corresponding to at least one round of tire rotation, the measurement data including at least measurement data of acceleration in a radial direction of the tire, ii) a contact region determining

unit and iii) a slip region specifying unit *configured to specify*, from the measurement data of acceleration acquired in the acquiring step, a slip region within the determined contact region. Further, the contact region determining unit comprises: i) a signal processing unit *configured to* extract time series data of acceleration due to tire deformation from the acquired measurement data in the radial direction, and ii) a deformation calculating unit *configured to subject* the time series data of acceleration due to tire deformation to a time integration of second order to calculate displacement data, so as to calculate a deformation in the tread portion of the tire, wherein the contact region determining unit is *configured to determine*, from the calculated deformation, a contact region of the tire during rotation.

In view of the above, Applicant respectfully submits that amended Claim 17 includes only apparatus elements. Withdrawal of the rejection is respectfully requested.

**No Disclaimers or Disavowals**

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

**Application No.:** 10/594,208  
**Filing Date:** September 21, 2006


CONCLUSION

In view of Applicant's foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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AMEND

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